

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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CITY OF WOODHAVEN,

Plaintiff- Appellant,

v

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES  
COUNCIL 25, d/b/a AFSCME LOCAL 292,

Defendants- Appellees.

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UNPUBLISHED

March 23, 1999

No. 205693

Wayne Circuit Court

LC No. 96-642218 CL

Before: Gribbs, P.J., and Griffin and Wilder, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order granting defendants' motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

Plaintiff's first claim of error is that the arbitrator exceeded his authority when he interpreted a city ordinance. We disagree. Our review of an arbitrator's decision is limited. We do not review an arbitrator's factual findings or decision on the merits. Rather, we only decide whether the arbitrator's award drew its essence from the contract. If an arbitrator in granting an award does not disregard the terms of his employment and the scope of his authority as expressly circumscribed in the contract, then our review effectively ceases. *Gogebic Medical Care Facility v AFSCME Local 992 AFL-CIO*, 209 Mich App 693, 696-697; 531 NW2d 728 (1995).

Our review of the collective bargaining agreement between plaintiff and defendants demonstrates that the ordinance in question was incorporated by reference to the agreement. As such, the arbitrator had the authority to interpret the ordinance when fashioning his award, and this interpretation did not exceed the arbitrator's authority.

Because the ordinance interpreted by the arbitrator was incorporated by reference into the agreement between plaintiff and defendants, the arbitrator did not exceed the scope of his employment when he interpreted the ordinance. Once this determination is made, our review of an arbitrator's

award must cease. *Gogebic Medical Care Facility, supra* at 696-697. Therefore, plaintiff's remaining issue on appeal need not be reviewed.<sup>1</sup>

Affirmed.

/s/ Roman S. Gibbs

/s/ Richard Allen Griffin

/s/ Kurtis T. Wilder

<sup>1</sup> In addition, because defendants did not file a cross appeal, defendants' claim that the lower court erred in refusing to award costs and attorney fees in favor of defendants has been waived. MCR 7.207; *Michigan State Employees Assn v Civil Service Comm*, 220 Mich App 220, 225; 559 NW2d 65 (1996).